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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/562,511 | 12/28/2005 | Bernd Clauberg | US030201 | 7969 |

24737 7590 10/03/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

| EXAMINER | |
|---|---|
| ALEMU, EPHREM | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2821 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/03/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/562,511 | CLAUBERG, BERND | |
| | Examiner | Art Unit | |
| | Ephrem Alemu | 2821 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 05 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,3-6 and 8-10*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821

Continuation of 3. NOTE: The final rejection clearly set forth of limitations of claims 1, 3-5, 6 and 8-10. Applicant's argue that Colby patent (US 6,809,655) in view of Swanson et al. patent (US 6,362,578) or Hutchison et al. (US Pub. 2002/0175826) fail to disclose, teach or suggest a traffic light wherein the switch controller (21) is further operable to prevent simultaneous closure of the first electronic switch and the second electronic switch as recited in independent claims 1 and 6. Applicant further disagrees with the examiner assertion, in page 6 of the office action mailed 7/8/2008, that the single control module including electronics operable to prevent simultaneous closure of the electronic switches associated with the LED circuits would have been obvious for no other than displaying distinguishable signal to control the direction and flow of traffic at an intersection because Colby patent explicitly teaches simultaneous illumination of multiple lamps which teaches away from preventing simultaneous opening of electronic switches as claimed in the instant application. The examiner respectfully disagree.

In the first place, Colby discloses a traffic light using LEDs as light source (Figs. 2, 4). Colby not only disclose simultaneous illumination of multiple lamps, Colby discloses a known separately controlled traffic lights as illustrated in Fig. 4a, which reads on operable to prevent simultaneous opening of electronic switches . Therefore not only simultaneous illumination of multiple lamps is taught by Colby, but also a separate illumination from group of lamps (i.e., see specifically Fig. 4a of Colby (in addition see Figs. 4a, 5, 6; Col. 1, lines 43-46; Col. 5,lines 13-45).

What colby does not show is the detailed structure of the claimed arrangment of the first and second LED circuits as claimed in the instant application. Swanson and Hutchison are cited to show such LED circuit arrangments as claimed in the instant application are well known in the art and as discussed in the Final office action mailed 7/8/2008. What Swanson and Hutchison are showing is the known LED circuit arrangment (i.e., a parallel connection of first, second and third LED circuits, wherein each LED circuit including a series connection of LED arrays, current limiter and a switch as taught by Swanson or a series connection of first, second and third LED circuits each LED circuits including an electronic switch in shunt with the LED arrays as taught by Hutchison for the purpose of displaying distinguishable illuminated signal.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Therefore, given the LED traffic light of Colbys modifed by Swanson or Hutchinson as discussed in the final office action mailed 7/8/28, the claimed traffic light as claimed in claims 1, 3-5, 6 and 8-10 in the instant application would have been obvious for no other reason than displaying distinguishable illuminated signal to control flow of traffic at an intersection.
Thus, the final rejection mailed on 7/8/2008 deemed proper and therefore maintained.